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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,425	08/16/2001	Kirk C. Salomon	10629-003	2900
20583	7590	06/20/2006	EXAMINER	
JONES DAY 222 EAST 41ST ST NEW YORK, NY 10017			NGUYEN, THANH T	
			ART UNIT	PAPER NUMBER
			2144	

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/931,425

Applicant(s)

SALOMON, KIRK C.

Examiner

Tammy T. Nguyen

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |



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DETAILED ACTION

1. This Action is in regards to the Amendment filed on March 20, 2006.
2. Claims 1-16 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lundblade et al. (Lundblade), US PG Pub 2002/0183056 in view of Loos et al. (Loos), U.S. PG Pub 2002/0057803.
5. Regarding independent claims 1, 8, and 9 (e.g., exemplary independent claim 1), Lundblade discloses *a wireless application server system comprising digital data stored on one*

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or more storage media, the data further comprising: a central application server program configured to be downloaded to one or more remote wireless application server computers and to execute on the one or more remote wireless application server computers (Lundblade teaches a central server is also connected to an application download server (ADS) 215. The application download server 215 is used to interface with a wireless device via a wireless network 220 to download an application. The central server may also send the permissions list and developer identification associated with the application to the ADS where it can be stored until transmission to a wireless device. It is preferred that the application, permission list and the developer identification be digitally signed by the central server to increase security from modification), [see Lundblade, section 0042 and 0048], the central application server program being configured to cause the one or more remote wireless application server computers to download and to install one or more wireless application software components on the one or more remote wireless application server computer [see Lundblade, 0048-0059]; the one or more client applications being configured to communicate with the remote wireless application server computer over a wireless network [see Lundblade, Figures 2-4, section 0043, 0055]. However, Lundblade does not explicitly disclose one or more remote wireless application server programs being configured to transmit to one or more portable devices one or more client applications and to cause the one or more portable devices to install the one or more client applications [see Lundblade, section 0043]. By this rationale independent claims 1, 8 and 9 are rejected.

6. In the same field of endeavor, Loos discloses (e.g., system and method for communication in a mobile domain). Loos discloses *one or more remote wireless application server programs being configured to transmit to one or more portable devices one or more client*

applications and to cause the one or more portable devices to install the one or more client applications (Loos teaches deploying the mobile application to at least one of the mobile computing devices and the mobile computing device being capable of installing the application locally), [see Loos, 0065-0067].

7. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Loos' teachings of a system and method for communication in a mobile domain with the teachings Lundblade, for the purpose of improving methods to support enterprises in their efforts to extend enterprise networks to mobile devices [see Loos, section 0007].

8. Regarding dependent claims 2-7, the limitations of these claims are taught within the figures and disclosure of Lundblade-Loos. Furthermore with regards to the limitation *wherein the application server program is further configured to download and to install a different set of wireless application server components on different remote wireless application server computers* [see Lundblade, section 0003] *and wherein the application data is processed and filtered by the one or more local application server computers to update one or more wireless application software programs on the one or more remote wireless application server computers* [see Lundblade, section 0062]. By this rationale dependent claims 2-7 are rejected.

Regarding claims 10-16, the limitations of these claims are taught within the disclosure as well as figures of Lundblade. Furthermore with regards to the limitation of *wherein the central application server program has a component that provides at least one member of the group consisting of seamless roaming across network subnets, session persistence through out of range*

conditions, session persistent through suspend/resume, compression for low bandwidth conditions, encryption capability, user authentication, and roamable virtual private network (Lundblade teaches utilizing digital signatures that can be created and applied to digital [see Lundblade, sections 0062-0067]. By this rationale dependent claims 10-16 are rejected.

Response to Arguments

1. Applicant's arguments filed on March 20, 2006 have been fully considered, however they are not persuasive because of the following reasons:

2. Applicants argue that Lundblade does not teach downloaded central application server program. In response to Applicant's argument, the Patent Examiner maintain the rejection because Lundblade teaches downloaded central application server program as shown in abstract, and section 0042 and 0048, clearly shown that input devices both capability of positional sensing and optical indicia sensing.

9. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, for the purpose of improving methods to support enterprises in their efforts to extend enterprise networks to mobile devices [see Loos, section 0007].

3. Therefore, the Examiner asserts that cited prior arts teach or suggest the subject matter broadly recited in independent claims 1, 8, and 9. Claims 2-7, 10-16 are also rejected at least by the virtue of their dependency on independent claims and by other reasons set forth in the previous office action.

4. Accordingly, claims 1-16 are respectfully rejected.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

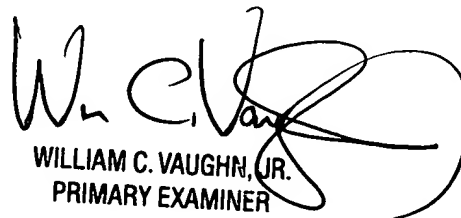
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammy T. Nguyen whose telephone number is 571-272-3929. The examiner can normally be reached on Monday - Friday 8:30 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *William Vaughn* can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TTN
June 9, 2006


WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER